

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

STEVEN FORSHEY,

Plaintiff,

-against-

9:17-CV-0575 (LEK/ATB)

CHRISTOPHER MILLER, *et al.*,

Defendants.

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**ORDER**

**I. INTRODUCTION**

This matter comes before the Court following a Report-Recommendation filed on November 7, 2018, by the Honorable Andrew T. Baxter, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 94 (“Report-Recommendation”).

**II. LEGAL STANDARD**

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b); L.R. 72.1(c). If objections are timely filed, a court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” § 636(b). However, if no objections are made, a district court need review the report-recommendation only for clear error. *Barnes v. Prack*, No. 11-CV-857, 2013 WL 1121353, at \*1 (N.D.N.Y. Mar. 18, 2013); *Farid v. Bouey*, 554 F. Supp. 2d 301, 306–07, 306 n.2 (N.D.N.Y. 2008), abrogated on other grounds by *Widomski v. State Univ. of N.Y. at Orange*, 748 F.3d 471 (2d Cir.

2014). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” § 636(b).

### III. DISCUSSION

No objections were filed in the allotted time period. Docket. Accordingly, the Court has reviewed the Report-Recommendation for clear error and has found none. The Court therefore adopts the Report-Recommendation in its entirety.

### IV. CONCLUSION

Accordingly, it is hereby:

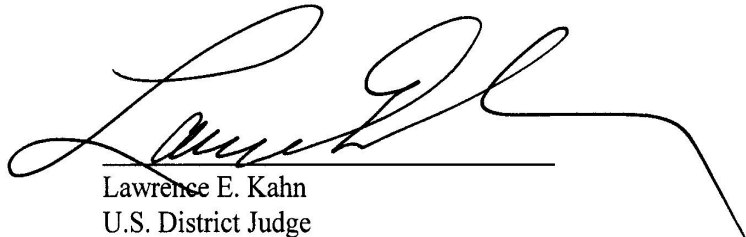
**ORDERED**, that the Report-Recommendation (Dkt. No. 94) is **APPROVED and ADOPTED in its entirety**; and it is further

**ORDERED**, that Defendants’ partial motion to dismiss (Dkt. No. 76) is **GRANTED**, and all claims against Krandy, Koenigsmann, Miller, Bellamy, Kuinlan, Beebe, and Green, as well as the deliberate indifference claims against all Defendants arising from Plaintiff’s foot injury and underweight status, are **DISMISSED without prejudice**; and it is further

**ORDERED**, that the Clerk of the Court serve a copy of this Order on all parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

DATED: November 30, 2018  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge

